

REMARKS

The Office Action has made a restriction requirement based on inventions (Groups) I, II, III, IV, V, VI and VII being related each to the other as combination and subcombination. This is clearly an improper restriction requirement as ones of the Groups are not in a combination/subcombination relationship.

The Office Action, in applying the two way distinction test, has stated that Group I has a separate utility from Group II, and that Group I also has a separate utility from each of Groups III-VII. The examiner makes no attempt to apply the test to any of the other Groups.

Regarding Groups I and II

The restriction of Group I from Group II is improper. With respect to utility, Group I is generic to Group II. Group I is directed to a communication hub and its scope of utility encompasses utility as a communication hub for an adaptive TDMA system of Group II. Therefore, two way distinctness does not exist with respect to Groups I and II and therefore the restriction requirement should be withdrawn and Groups I and II examined.

Regarding Groups III-VI

The Office Action has provided no arguments demonstrating Groups III-VI are separate and distinct from each other. The Office Action only provides arguments of how Groups III-VI have a separate utility from Group I. Therefore, the restriction requirement regarding Groups III-VI are improper and must be withdrawn.

Applicants also assert that Groups III-VI, while having a combination-sub combination relationship with Groups I and II, do not have a combination-sub combination relationship between themselves, and thus the restriction requirement is improper.

Groups III, V and VI are directed to adaptive TDD communications systems and the scope of each of the Groups includes a common utility of providing TDD communications, including routing and providing variable density, and thus defeat two way distinctiveness.

Group IV is directed to an adaptive TDD communications system where the data within the frame is variable. Group IV also has the common utility of providing TDD communications, again defeating two way distinctness required for a combination sub combination relationship.

CONCLUSION

Applicant asserts the restriction requirement based on Groups I and II as having a combination-sub combination relationship is incorrect. Applicant also asserts the restriction between Groups III-VI has not been demonstrated and is also improper. Applicant request withdrawal of the restriction requirement between Groups I and II, and the restriction requirement between Groups III-VI.

Respectfully submitted,



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